

**CALENDAR ITEM  
C58**

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E. Gillies  
M. Falkner

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**REQUEST AUTHORIZATION FOR THE EXECUTIVE OFFICER TO SIGN, ON  
BEHALF OF THE COMMISSION, THE PROPOSED MEMORANDUM OF  
UNDERSTANDING/CONSERVATION AGREEMENT TO ENSURE THE  
CONSERVATION OF A STATE ENDANGERED PLANT SPECIES, THE TAHOE  
YELLOW CRESS, LOCATED EXCLUSIVELY AT LAKE TAHOE, PLACER AND  
EL DORADO COUNTIES.**

**PARTY:**

California State Lands Commission  
100 Howe Avenue, Suite 100-South  
Sacramento, CA 95825-8202

**BACKGROUND:**

Tahoe yellow cress (*Rorippa subumbellata* Roll.) is a rare plant species endemic to the shores of Lake Tahoe in California and Nevada. It was listed as endangered by the State of California in 1982 (California Fish and Game Code 2050 *et seq.*) and is considered endangered throughout its range by the California Native Plant Society. Tahoe yellow cress is state-listed as critically endangered in Nevada (Nevada Revised Statutes 527.270 *et seq.*), and is considered threatened by the Northern Nevada Native Plant Society. It is classified as a candidate species for listing under the federal Endangered Species Act of 1973, as amended (64 FR 57533).

Evidence suggests the current threat in, and to, the number of sites occupied by Tahoe yellow cress is primarily due to:

- 1) alterations in lake level dynamics caused by construction and operation of the Truckee River outlet dam and reservoir;
- 2) destruction of actual and potentially suitable habitat by the construction of piers, jetties, and other structures;
- 3) high levels of recreational activity associated with beaches and dunes;

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4) disturbance of the sand by public and private property maintenance activities; and

5) possibly random environmental events, e.g., El Niño.

Because of the imminent threats faced by the species, a task force, composed of the agencies listed below, was formed to develop and implement a Conservation Strategy (CS) for the Tahoe yellow cress. The CS is coupled with a Memorandum of Understanding (MOU)/Conservation Agreement (CA), which, when signed by the participating entities, will demonstrate the commitment, of all involved, to the long-term protection of the species. The State Lands Commission has historically been an integral part of the conservation and protection of Tahoe yellow cress and this role continues to be reflected in the CS.

The following entities have committed to the implementation of the conservation strategy and are proposed to be signatory to the MOU/CA: Tahoe Regional Planning Agency, U.S. Fish & Wildlife Service, U.S. Forest Service, Nevada Division of Forestry, Nevada Division of State Lands, Nevada Division of State Parks, Nevada Natural Heritage Program, California State Lands Commission, California Department of Fish & Game, California Department of Parks & Recreation, California Tahoe Conservancy, Tahoe Lakefront Owners' Association, and League to Save Lake Tahoe.

Consummation of the MOU/CA would reaffirm the State Lands Commission's ongoing involvement as an active member of the multi-agency collaboration and a participant in the coordinated management of Tahoe yellow cress at Lake Tahoe. Implementation of specific actions identified in the plan may be subject to further environmental analyses as required by the CEQA and subsequent approval by the individual lead and responsible agencies, as well as any required regulatory agencies. Consequently, it is understood that executing the MOU/CA does not constitute, now, a final or binding approval of the CS or any specific individual activity identified in the management plan.

The Commission's responsibilities under the MOU/CA will not require staff and resources above those which are already engaged in the conservation of the Tahoe yellow cress. The MOU/CA outlines the agency's continued participation in and commitment to the Technical Advisory Group (TAG) and the Executive Committee. The staff would also continue to oversee the successful implementation of the CS, to ensure protective measures where the Commission has leasing jurisdiction, and to involve private landowners, through education and

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stewardship practices, to protect, preserve and restore the populations and habitat of the Tahoe yellow cress.

**OTHER PERTINENT INFORMATION:**

1. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15260), the staff has determined that this activity is exempt from the requirements of the CEQA as a statutorily exempt project. The project is exempt because it involves a feasibility or planning study for possible future action, which the Commission has not approved, adopted, or funded.

Authority: Public Resources Code section 21102 and Title 14, California Code of Regulations, section 15262.

2. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 6370, et seq.

Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

**REFERENCES:**

- A. Conservation Strategy for Tahoe Yellow Cress, August 2002.

**EXHIBITS:**

- A. Memorandum of Understanding/Conservation Agreement, August 2002.
- B. Conservation Strategy for Tahoe Yellow Cress Executive Summary, August 2002.

**IT IS RECOMMENDED THAT THE COMMISSION:**

1. FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15260 AS A STATUTORILY EXEMPT PROJECT PURSUANT TO PUBLIC RESOURCES CODE SECTION 21102 AND TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15262, FEASIBILITY OR PLANNING STUDY FOR POSSIBLE FUTURE ACTION WHICH THE COMMISSION HAS NOT APPROVED, ADOPTED, OR FUNDED.
2. FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED BY THE COMMISSION FOR THE

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LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370,  
ET SEQ.

3. AUTHORIZE THE EXECUTIVE OFFICER TO SIGN, ON BEHALF OF  
THE COMMISSION, THE PROPOSED MEMORANDUM OF  
UNDERSTANDING/ CONSERVATION AGREEMENT.